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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,686	10/31/2003	Timothy Connors	200312974-I	9799
22879	7590	01/26/2007	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			DESCHERE, ANDREW M	
			ART UNIT	PAPER NUMBER
			2836	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/26/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/697,686	CONNORS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Andrew M. Deschere	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 28 November 2006.
- 2a)  This action is **FINAL**.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-5,7-13,15-19 and 22-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-5,7-13,15-19 and 22-30 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

The amendment filed 28 November 2006 has amended claims 1, 9, 22, 24, and 26. Claim 22 has been amended into independent form, containing the subject matter of cancelled claims 20 and 21. The amended claims 1, 9, 22, 24, and 26 incorporate previously claimed subject matter that the power control circuit maintains connection of the power source based upon a received signal. Claims 1, 9, 24, and 26 include new matter in that the connection is maintained after the magnetic field/external device is removed.

The amendment filed 28 November 2006 has amended claim 19 to correct its dependency. Examiner's objection is withdrawn.

### ***Drawings***

The drawings were received on 28 November 2006. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,011,483 (Tanaka).

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Tanaka discloses a wireless ID card unit with a power control circuit (switch 2 in the Figure) that operates to connect and disconnect a power source (battery 1) from circuitry within the unit (elements 4-9). A connection is made in response to a passive element (magnetic field detection section 3) sensing a magnetic field emitted from an external source (magnetic field generator 11). The on state of the switch is maintained until it is controlled by the magnetic field detection section or control section 5 to switch to an off state (column 3 lines 21-27).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 9, 10, 16-19, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,011,483 (Tanaka) in view of Jenson (US 6,906,436).

Tanaka discloses a wireless ID card unit with a power control circuit (switch 2 in the Figure) that operates to connect and disconnect a power source (battery 1) from circuitry within the unit (elements 4-9). A connection is made in response to a passive element (magnetic field detection section 3) sensing a magnetic field emitted from an external source (magnetic field generator 11). The on state of the switch is maintained until it is controlled by the magnetic field detection section or control section 5 to switch to an off state (column 3 lines 21-27).

Albeit a special definition, Examiner recognizes circuitry within the unit of Tanaka (elements 4-9) to act as the "active tag" and "appliance" as found in claims 16-19.

While Tanaka discloses the wireless ID card unit above, there is no indication that power may be maintained within the unit after a removal of the magnetic field. Jenson discloses a thin-

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film battery with an activity-activated switch. In one embodiment, a magnetic field may be used to enable a switch to power a circuit. The connection of power to the circuit is maintained after the magnetic field is removed, allowing a clock to remain powered (column 21, lines 35-45). A combination of Tanaka and Jenson would provide a clock in a wireless ID card unit, the clock receiving power even if the unit is removed from a magnetic field. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a clock in the ID card unit of Tanaka for a variety of reasons, such as Jenson's disclosed warranty period timing.

Claims 3-5, 8, 11-13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka further in view of US 5,179,337 (Staarman).

With respect to claims 3-6, 11-13 Tanaka discloses that the switch 2 may be a transistor (column 4, lines 21-24), but there is no suggestion to a switch that has a high off state resistance such as a MOSFET. Staarman teaches the use of a MOSFET to connect a battery to a load (Staarman, element 17 in Figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a MOSFET as the switching circuitry in Tanaka in order to achieve low leakage current (column 2, lines 47-64).

With respect to claims 8 and 30, Tanaka does not teach that the switch disconnects the battery from circuitry when a low voltage condition occurs. Staarman teaches that when a battery voltage falls below a predetermined level the switch connecting the battery to its load opens, disconnecting the power supply (column 3, lines 30-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the low-voltage disconnect of Staarman in order to prevent damage to the battery of Tanaka.

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Claims 7, 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Jenson and Staarman as applied to claims 3 and 11 above, and further in view of US 6,927,555 (Johnson).

Tanaka discloses that a control section of the circuit may act independently of the magnetic field detection section to control the switch 2, but does not teach the use of an OR logic circuit in the power control circuitry. Johnson teaches the use of an OR logic gate 360 (Figure 3) to control FET 310 through latch 340. The FET connects battery cell 320 to battery circuit 330. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an OR logic circuit at switch 2 of Tanaka if one desired a constant-transmission system while the unit was in the presence of a magnetic field.

#### ***Response to Arguments***

Applicant's arguments filed 28 November 2006 have been fully considered but they are not persuasive.

With regard to claim 22, the Applicant argues that Tanaka does not contain the limitation of "controlling a power control circuit to maintain a connection between the power source and the device in response to receiving a signal from the device." The Examiner respectfully traverses. Magnetic field detection section 3 of Tanaka is within the ID card unit 30 ("device" of claim 22). The magnetic field detection section outputs a signal to the main switch section 3 of the ID card unit, and a power signal flows from power supply battery 1 to circuitry within the ID card unit. The power supply battery maintains a connection to the ID card unit's circuitry until radio signal transmission is completed. The fact that the ID card unit is operable to turn itself off after the magnetic field is removed is beyond the scope of the claim.

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With regard to claims 1, 9, 24, and 26, the Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 7,016,511 (Shennib) discloses magnetic activation of a device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

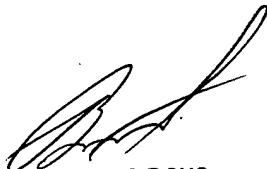
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Deschere whose telephone number is (571) 272-8391. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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